

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2004

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2025

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2025, entitled "A Bill for an Act Relating to Equal Pay."

The purposes of this bill are to prohibit employers from discriminating against employees in the payment of wages because of gender and to establish a four-year pay equity task force under the Office of the Governor.

This bill is objectionable because state law already prohibits employers, including the State and its political subdivisions, from discriminating on the basis of sex. Section 378-2, Hawaii Revised Statutes, states that it shall be an unlawful discriminatory practice for any employer to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment on the basis of the employee's sex.

Federal law also prohibits employers from discriminating on the basis of gender when it comes to employees' compensation. Specifically, the Equal Pay Act of 1963 requires employers to pay men and women equal pay for equal work within the same establishment. In addition, Title VII of the Civil Rights Act of 1964, as amended, also prohibits discrimination on the basis of sex. In light of these existing laws proscribing discrimination on the basis of gender, this bill is unnecessary.

This bill also creates a four-year pay equity task force. The scope of review for this task force is broad and vague. As it relates to pay equity in public employment, it is unnecessary because compensation is usually tied to the government classification system. Under that system, female

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employees are paid the same compensation as male employees in the same classification.

For the foregoing reasons, I am returning House Bill No. 2025 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii